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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,246	01/14/2002	David B. Balaban	0267-1269CIP2	6851
7590	10/28/2003		EXAMINER	
GREENBERG TRAURIG, LLP 21st Floor 885 Third Avenue New York, NY 10022				LUEBKE, RENEE S
			ART UNIT	PAPER NUMBER
			2833	

DATE MAILED: 10/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/047,246	BALABAN ET AL.
	Examiner	Art Unit
	Renee S. Luebke	2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 29 September 2003.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-12 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 07 June 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on 29 September 2003 is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- 1) Certified copies of the priority documents have been received.
- 2) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- 3) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>11</u> .	6) <input type="checkbox"/> Other: _____

1. The "formal" drawing sheets submitted September 29, 2003 are appreciated. However, due to their poor line quality and size, which is smaller than the remainder of the set, they are not considered to be acceptable formal replacement sheets. The proposed drawing corrections contained therein are acceptable.

In addition, the drawings remain objected to because contrary to page 17, line 7, member 157A in Fig. 38 does not appear to be an opening; an opening cannot have shading marks. Applicant alleges that these shading marks refer to a backplate beyond the opening. Yet, no backplate is disclosed. Screw plate 155A, in which opening 157A appears is also shown in Fig. 39; it contains no additional backplate. Further, Fig. 38 shows the screw plate separated from the brush assembly so that there should not even be a plate from another part of the structure behind it. In addition, since a screw must extend through opening 157A and other associated openings, a backplate would not be operable in the location alleged by applicant. Applicant is required to remove the shading shown in opening 157A of Fig. 38.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The corrections to the specification at page 16, paragraph 2 are appreciated. However, the sentence on lines 6-7 thereof is incomplete.

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in proofreading the specification and correcting any errors of which applicant may become aware in the specification.

4. Claims 1, 11 and 12 are objected to because of the following informalities:

It appears that applicant inserted "arm" in the wrong place in claim 1. On line 19, it appears that the second occurrence of "arm" should be deleted and on line 20 -arm- should be inserted after "contact".

In claim 11, it appears that most of lines 13-14 should be deleted as redundant.

On line 32 of claim 12, it appears that "an" should be changed to -and-. Appropriate corrections are required.

5. Claims 1-12 remain rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification fails to describe a screw terminal used with a rocker section having a double throw switch and third and fourth contacts "of a screw terminal." The third and fourth terminals on this type of section, as seen from the earlier embodiments are not secured near the side walls. There is no explanation of how the disclosed screw terminals could be added to these third and fourth terminals.

Applicant argues that page 14 discusses fixed contacts with screw terminals. This is true. However, the embodiment discussed in that paragraph and later on in the specification refers to Figs. 31-40. This embodiment does not include a rocker switch having two fixed contacts. The embodiment shown and described in these figures only comprises single pole, single throw switch sections. The stationary contacts on this type of switch have portions along the side walls, which allow for screw terminals (as shown in figs. 35-40). However, the double throw switch required by paragraph d) of claims 1, 2 and 10; paragraph c) of claim 11; and paragraph b) of claim 12 requires a different

type of stationary contact (that shown in Figs. 17, 18 and 26). These stationary contacts extend through the bottom wall of the housing. There is no disclosure suggesting that they be screw terminals or how this would be structured.

**6. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**7. It is suggested that responses to this final action be faxed to:**

(703) 872-9306

Please refrain from sending a confirmation copy, as noted in 37 CFR 1.6(d) and 1.8(b).

**Alternatively, responses may be mailed to:**

**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

For additional information regarding this new address, which was effective May 1, 2003, see *Correspondence with the United States Patent and Trademark Office*, 68 Fed. Reg. 14332 (March 25, 2003).

**Hand-delivered responses** should be brought to:

Crystal Plaza 4, Fourth Floor (Receptionist)  
2201 South Clark Place, Arlington, Virginia.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mrs. Renee Luebke at (703) 308-1511. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mrs. Paula Bradley, can be reached at (703) 308-2319.



Renee S. Luebke  
Primary Patent Examiner  
October 27, 2003